

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION

RICHARD CALCUT,)	
)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 2018 cv 01235
)	
SECURA SUPREME INSURANCE COMPANY,)	
A Wisconsin Corporation,)	
)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, SECURA Supreme Insurance Company, by and through its attorney, Daniel R. Sarther hereby removes this civil action to the United States District for the Northern District of Illinois from the Circuit Court of Cook County, Illinois pursuant to 28 U.S.C. §§ 1441(a), 1441(b) and 1446. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a), because complete diversity exists and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

1. On January 12, 2018, Plaintiff, Richard Calcut, filed his Complaint against SECURA Supreme Insurance Company (SECURA) in the Circuit Court of Cook County. See Plaintiff's Complaint attached as Exhibit 1.

2. SECURA was served with a copy of the Complaint on January 23, 2018. See Summons and Verification attached as Exhibit 2.

3. Plaintiff asserts two theories of liability against SECURA. A direct action to determine amount of benefits payable under an Underinsured Motorist Policy and Bad Faith under 215 ILCS 5/155. See Exhibit 1.

4. SECURA filed its Answer to Count I of Plaintiff's Complaint on February 12, 2018 and a Motion to Dismiss Count 2 of Plaintiff's Complaint on February 14, 2018. See Answer to Count I attached as Exhibit 3 and Motion to Dismiss attached as Exhibit 4 without attachments.

DIVERSITY OF JURISDICTION

5. For the Court to exercise diversity jurisdiction, the case must be "between" citizens of different States. 28 U.S.C. § 1332(a). For purposes of diversity jurisdiction, "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." 28 U.S.C. § 1332(c)(1). Limited liability companies are citizens of every state of which any member is a citizen. *Belleville Catering Co. v. Champaign Mkt. Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir. 2003). Additionally, "the citizenship of a trust is the citizenship of its trustee." *Guar. Nat. Title Co. v. J.E.G. Associates*, 101 F.3d 57, 59 (7th Cir. 1996)

6. Plaintiff is a resident of Illinois. See Exhibit 1 paragraph 2.

7. SECURA is a Wisconsin Corporation with its principal place of business in Wisconsin. As such, SECURA is considered a resident of Wisconsin.

8. Because Plaintiff is a citizen of Illinois and Defendant is a citizen of Wisconsin, there is complete diversity between the parties.

9. Plaintiff alleges he is entitled up to \$150,000 in insurance coverage under the UIM policy and additional damages for Bad Faith against SECURA. In light of the Plaintiff's allegations, the amount in controversy between Plaintiff and Defendant exceeds \$75,000 exclusive of costs and interest. Therefore, the Court has original jurisdiction under 28 U.S.C.

§1332 over the claims asserted by Plaintiff against Defendant. *Meridian Security Insurance Co. v. Sadowski*, 441 F.3d 536 (7th Cir. 2006); *Spivey v. Vertrue, Inc.*, 528 F.3d 982 (7th Cir. 2008).

WHEREFORE, Defendant, SECURA Supreme Insurance Company respectfully requests removal of 2018 CH 00440 pending in the Circuit Court of Cook County, Illinois ó Chancery Division to this Court.

SECURA SUPREME INSURANCE COMPANY

By: s/ Daniel R. Sarther
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2018, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system and sent by Electronic Mail and U.S. Mail notification of such filing to the following:

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By: s/ Daniel R. Sarther
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